

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Rules and Regulations Implementing The)	
Telephone Consumer Protection Act of 1991)	CG Docket No. 02-278
)	
Petition for Declaratory Ruling of)	
The Fax Ban Coalition)	

**COMMENTS OF NATIONAL CITY MORTGAGE CO. IN SUPPORT OF
FAX BAN COALITION PETITION FOR DECLARATORY RULING**

National City Mortgage Co. (“NCMC”) fully supports the Fax Ban Coalition’s pending Petition for Declaratory Ruling (“FBC Petition”), which relies upon many of the same constitutional and statutory principles that are set out in NCMC’s Petition for Expedited Declaratory Ruling (“NCMC Petition”) filed with the Commission on November 22, 2004.¹ As the FBC and NCMC Petitions make clear, the Communications Act and the Telephone Consumer Protection Act give this Commission plenary jurisdiction over interstate telemarketing, whether accomplished by means of telephones or

¹ Fax Ban Coalition Petition for Declaratory Ruling, CG Docket No. 02-278 (Nov. 7, 2005); National City Mortgage Company Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (Nov. 22, 2004).

facsimile machines.² Accordingly, there is no legal rationale or public-interest basis

for continued delay in the Commission's unambiguous assertion of its authority, and both of the pending Petitions should be promptly granted.

Respectfully submitted,

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² FBC Petition; Reply Comments of National City Mortgage Co. in Support of Petition for Expedited Declaratory Ruling, CG Docket No. 02-278 (Feb. 17, 2005) at 5-7.

CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2006, a copy of the foregoing **COMMENTS** was served by electronic mail, or U.S. First Class mail, as indicated, upon the following:

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/s/ Charles H. Kennedy
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